S T A T E O F N E W Y O R K

5890

2011-2012 Regular Sessions

I N S E N A T E

September 14, 2011

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to providing pharmacists access to New York's prescription drug monitoring program resources and requiring practitioners and pharmacists to check the controlled substance abuse registry before prescribing analgesics

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3308 of the public health law is amended by adding a new subdivision 7 to read as follows:

7. THE COMMISSIONER SHALL DEVELOP A SYSTEM TO ENSURE COMPLIANCE WITH SECTION THIRTY-THREE HUNDRED TWENTY-THREE OF THIS ARTICLE. SUCH SYSTEM SHALL, AT A MINIMUM:

(A) CROSS-CHECK THE PRESCRIPTIONS SUBMITTED BY PHARMACISTS WITH THE PRACTITIONERS AND PHARMACISTS CONSULTING THE REGISTRY PURSUANT TO SECTION THIRTY-THREE HUNDRED TWENTY-THREE OF THIS ARTICLE.

(B) ESTABLISH AN APPROPRIATE FINE SCALE FOR PRACTITIONERS OR PHARMACISTS FOUND BY THE DEPARTMENT TO NOT BE CONSULTING THE REGISTRY IN VIOLATION OF SECTION THIRTY-THREE HUNDRED TWENTY-THREE OF THIS ARTICLE FOLLOWED BY MORE SERIOUS PUNISHMENTS FOR REPEAT OFFENSES.

S 2. The public health law is amended by adding a new section 3323 to read as follows:

S 3323. PRACTITIONERS' AND PHARMACISTS' DUTIES IN RELATION TO PRESCRIPTION ANALGESICS. 1. EVERY PRACTITIONER SHALL, PRIOR TO PRESCRIBING ANY ANALGESIC, CONSULT THE CENTRAL REGISTRY ESTABLISHED PURSUANT TO THIS ARTICLE TO DETERMINE:

(A) WHAT OTHER PRESCRIPTIONS THE PATIENT BEING PRESCRIBED SUCH ANALGESIC IS CURRENTLY TAKING;

(B) WHETHER SUCH PATIENT MAY BE UNDER TREATMENT WITH A PRESCRIPTION ANALGESIC BY ANOTHER PRACTITIONER; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) WHETHER SUCH PATIENT'S PRESCRIPTION HISTORY INDICATES A POSSIBILITY OF DRUG ABUSE, ADDICTION OR DIVERSION.

2. EVERY PHARMACIST SHALL, PRIOR TO FILLING A PRESCRIPTION FOR ANY ANALGESIC, CONSULT THE CENTRAL REGISTRY ESTABLISHED PURSUANT TO THIS ARTICLE TO DETERMINE:

(A) WHETHER SUCH PATIENT MAY BE UNDER TREATMENT WITH A PRESCRIPTION ANALGESIC OBTAINED AT ANOTHER PHARMACY; AND

(B) WHETHER SUCH PATIENT'S PRESCRIPTION HISTORY INDICATES A POSSIBILITY OF DRUG ABUSE, ADDICTION OR DIVERSION.

S 3. Paragraphs (d) and (e) of subdivision 1 of section 3371 of the public health law, as amended by chapter 178 of the laws of 2010, are amended and a new paragraph (f) is added to read as follows:

(d) to a central registry established pursuant to this article; [and]

(e) to a practitioner to inform him or her that a patient may be under treatment with a controlled substance by another practitioner; OR

(F) TO A PHARMACIST TO INFORM THE PHARMACIST THAT A PERSON WHO PRESENTS OR HAS PRESENTED A PRESCRIPTION FOR ONE OR MORE PRESCRIPTION ANALGESICS AT THE PHARMACY MAY HAVE ALSO OBTAINED ONE OR MORE PRESCRIPTION ANALGESICS FROM ANOTHER PHARMACY.

S 4. This act shall take effect immediately; provided, however, that section two of this act shall take effect on the one hundred twentieth day after it shall have become a law.